

# UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

|   |   |                            |
|---|---|----------------------------|
| United States of America                          | ) |                            |
| v.  | ) |                            |
| Vanessa Jodale McDowell                           | ) | Case No: <u>2:04CR93-9</u> |
|   | ) | USM No: <u>18745-058</u>   |
| Date of Previous Judgment: <u>6/17/05</u>         | ) | <u>Stanford K. Clontz</u>  |
| (Use Date of Last Amended Judgment if Applicable) | ) | Defendant's Attorney       |

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 64 months **is reduced to** 53 months.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

|  |  |
|--|--|
| Previous Offense Level: <u>23</u>                        | Amended Offense Level: <u>21</u>                       |
| Criminal History Category: <u>V</u>                      | Criminal History Category: <u>V</u>                    |
| Previous Guideline Range: <u>84</u> to <u>105</u> months | Amended Guideline Range: <u>70</u> to <u>87</u> months |

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

### III. ADDITIONAL COMMENTS

It is further ordered that as a condition of supervised release the defendant shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation Officer.

Except as provided above, all provisions of the judgment dated 6/17/05 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: July 9, 2008

Effective Date: \_\_\_\_\_  
(if different from order date)

  
\_\_\_\_\_  
Lacy H. Thornburg  
United States District Judge

